AMO REPORTS 83-18

RESPONSE TO THE FIRST REPORT ON FAMILY VIOLENCE: WIFE BATTERING (A REPORT OF THE STANDING COMMITTEE ON SOCIAL DEVELOPMENT)

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO
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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

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The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

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"AMO Reports 83-18" was submitted to the Honourable Claude Bennett, Minister of Municipal Affairs and Housing, the Honourable Frank Drea, Minister of Community and Social Services, the Honourable Gordon Walker, Provincial Secretary for Justice, and the Honourable Robert Welch, Deputy Premier and Minister Responsible for Women's Issues, on December 9, 1983.

AMO RESPONSE TO THE FIRST REPORT ON FAMILY VIOLENCE: WIFE BATTERING, A REPORT OF THE STANDING COMMITTEE ON SOCIAL DEVELOPMENT

A INTRODUCTION

The Association of Municipalities of Ontario (AMO) believes that domestic violence is a matter that affects all levels of government. Municipalities are directly involved in providing general welfare assistance to victims and municipalities may contribute to the funding of transition houses. AMO has decided to respond to all the recommendations contained in the report of the Standing Committee on Social Development. Although most of the recommendations are not directed to municipalities, the acceptance of the recommendations by the other levels of government will affect municipalities.

B SUMMARY OF THE WIFE BATTERING REPORT, RECOMMENDATIONS FROM THE STANDING COMMITTEE, AND AMO RESPONSE

I Introduction

Criminality

The Standing Committee on Social Development wishes to stress that wife battering is a crime that deserves public condemnation. It is an assault, and is no less an assault because it occurs between husband and wife. The need to affirm the criminality of wife battering is a major principle underlying the recommendations of the Standing Committee's report.

Causation

Evidence before the Committee suggested that male attitudes towards women are a contributing factor to wife assault. Wife battering cannot be attributed directly to drunkenness, nor is wife battering a product of mental illness. Apparently, men whose mothers were beaten, or who were abused by their parents, are more likely to become wife batterers than men from non-violent homes. However, some children from violent homes do not engage in violence as adults. The Committee recognized the need for more research into

the causes of wife battering as well as research into the acceptance of force as an appropriate outlet for male anger, and the submission to force as an appropriate response for women.

Recommendation from the Standing Committee on Social Development:

1. The Ministries of the Attorney General, the Solicitor General, Community and Social Services, and Education should fund research into the causes of and means of preventing wife battering. The Committee has serious concerns that this recommendation may serve as an excuse for maintaining the status quo. The need for more research must not delay in any manner the implementation of the recommendations which follow in this report.

AMO Comment

AMO endorses Recommendation 1. Research into the causes and means of preventing wife battering is necessary in order to help eliminate this problem.

II The Victim

The Standing Committee's report states that various studies agree to the statistic that at least one in ten married women in Canada is battered by her husband. Wife battering crosses all income and education levels. The economic dependence of some victims on their husbands perpetuates conditions under which women continue to be battered. Particular difficulties are faced by women unable to speak English, women who live in rural areas, immigrant women, and native women. The following problems were identified by the Standing Committee:

Francophone

Unilingual french speaking victims frequently face language barriers when seeking assistance. For example, such persons may be unable to communicate with social workers, doctors or police officers who speak only English.

Rural

Rural women may face difficulties in getting to shelters which may be hundreds of miles away. Unless they have access to a car, these women may have to rely on friends, family or the police for transportation. There may not be any bus service. Taxi service, if available, may be too expensive. Because of "party lines", rural women may hesitate to phone for assistance. Long distance phone calls will alert husbands when the telephone bill arrives. Emotional isolation may be a problem because of the lack of support services, employment opportunities, adult retraining programs and subsidized housing units.

Immigrant

Immigrant women sponsored by their husbands have special concerns regarding eligibility for general welfare assistance. The financial position of their sponsor must be verified by Employment and Immigration Canada. The municipal welfare administrator determines the sponsor's ability to continue to provide for the immigrant's needs and regulations under the General Welfare Assistance Act require the immigrant to make reasonable efforts to obtain financial compensation from her sponsor. Some welfare administrators require severing of the sponsorship before granting assistance. This may give rise to the possibility of deportation.

Native

Native women on a reserve who leave to go to a transition home off the reserve may be denied admission because they do not reside in the municipality. Native women who do move to the city will have to cope with cultural differences there. Reserves may not have any residential services for battered women.

Recommendations from the Standing Committee on Social Development:

2. The Ministry of Community and Social Services should issue a policy statement to municipal welfare administrators affirming that sponsorship does not affect an application for assistance by a sponsored immigrant woman who has left her husband-sponsor because of his battering. The application must be processed as though the sponsorship did not exist. Accordingly, the applicant must no longer

be sent to the offices of Employment and Immigration Canada to have the financial position of her sponsor verified. She must not be told that the severing of the sponsorship is a precondition to receiving any assistance.

3. The Ministry of Education should fund the expansion of English as a Second Language (ESL) classes for immigrant women.

4. The Ministry of Community and Social Services should establish 24-hour toll free multilingual counselling lines for battered women. Alternatively, the Ministry should provide funding to the Ontario Association of Interval and Transition Houses to enable the Association to operate this service. Howsoever operated, the service should be accessible to Francophone, rural, immigrant and native women.

The Ministry of Community and Social Services should fund the implementation of Recommendations 5 and 6. The necessary funding shall be authorized in the government bill proposed in Recommendation 22.

5. Shelters for abused women and their children should recognize the needs of Francophone, immigrant, and native women by initiating cross-cultural training for their staff and by hiring bilingual workers.

6. Interpreters should be made available to shelters on an "on-call" basis.

7. The Ministry of Community and Social Services should encourage community groups to establish immigrant women's emergency shelters where the need is apparent.

To federal government:

8. The Immigration Act, the regulations thereunder, and the practices of Employment and Immigration Canada should be reviewed to ensure that a sponsored immigrant woman cannot be deported if (1) she has left her husband-sponsor because of his battering and (2) the separation from her sponsor has led to the severing of the sponsorship.

AMO Comment

AMO endorses Recommendations 2-8 and believes that these recommendations would help to resolve the problems identified by the Standing Committee on Social Development with respect to the victim.

III Police

The report of the Standing Committee states that the police are usually the first agent involved in domestic disputes. People look to the police when they fear for their safety and the police are available on an emergency, 24-hour a day basis.

Laying Charges

When responding to domestic calls, police officers are very reluctant to lay charges.

The following are several factors that contribute to this reluctance:

a) the officers' attitudes reflect society's belief that the family is a sacrosanct unit and that interspousal problems should be solved without police intervention.

b) the attitude that if there must be intervention, social service agencies are considered more appropriate.

c) inadequacy of police training in domestic disputes.

d) instructions on the laying of charges are often inaccurate.

e) perception that the victim will want the charges withdrawn at a later date.

When police officers lay charges, this affirms to the batterer that society does not condone violence against women. Victims will also face less harassment from their partners to withdraw the charges. In addition, when the police lay the charges, the onus is not on the victim to figure out the criminal justice system.

Information from the City of London shows that the courts treat private informations of common assault less seriously than charges that have been laid by the police. Private informations are more than

twice as likely to be dismissed or withdrawn. The chances of a fine or jail term triple when the police lay charges. In addition, the processing of charges against the batterer appears to decrease the amount of violence in the relationship.

Family Consultant Programs

a) - London

Five civilian consultants with mental health and social service training operate out of police headquarters from 9:00 a.m. to 4:00 a.m. on weekdays and from noon to 4:00 a.m. on weekends. The officer answering the domestic call will radio for a consultant after restoring peace to the family. The consultant offers on-the-spot mediation to help settle the most immediate crisis.

b) - Toronto

There are five domestic response teams which promote co-operation between the Metro Police and social agencies. Each team consists of a Community Relations police officer and a Family Service Association social worker experienced in crisis intervention. The team is available every evening from 6:00 p.m. to 2:00 a.m. A social worker is also on duty during the day, Monday to Friday at division headquarters. The team may be called in by police officers during their investigation of any domestic disturbance, and the team provides immediate counselling.

Statistics

At this time, police forces in Ontario are not required to keep statistics on domestic assaults.

Training

Police undergo little formal training in wife assault cases and yet more police injuries and homicides result from domestic disputes than from any other police activity. Current training de-emphasizes the criminality of wife abuse, and family violence is not perceived as a law enforcement issue. This lack of training usually results in a failure by the police to appreciate the needs of the victim. For example, officers may not be aware that victims want the police to

provide protection either by removing the batterer or by laying charges. Officers may be unaware of the existence or location of social services in the community. Police are unfamiliar with civil court orders such as restraining orders, or exclusive possession of the matrimonial home, and they need additional information regarding their power to arrest a person committing a breach of a peace bond.

Recommendations from the Standing Committee on Social Development:

9. The Ministry of the Solicitor General through the Ontario Police Commission should instruct municipal and provincial police forces in Ontario to lay charges in wife assault cases when they have reasonable and probable grounds to believe an assault has taken place. The Commission must further instruct all police officers that they need not have witnessed an assault in order to lay a charge. In order to ensure the implementation of these instructions, the Solicitor General and the Attorney General should convene a joint meeting of the Ontario Police Commission, boards of commissioners of police, the Ontario Association of Chiefs of Police, and the Ontario Crown Attorneys' Association. At the meeting, the Ministers must convey the urgency of implementing this policy on the laying of charges.

10. The Ministries of the Attorney General and Solicitor General should fund research into the effectiveness of police-family consultant programs in reducing the recurrence and level of family violence. As part of this research, the Ministries should establish a project under which social workers would operate out of OPP offices in rural areas to help victims of wife assault.

11. The Ontario Police Commission should instruct police forces to record all instances of wife battering. Occurrence reports and charge sheets for all assaults must indicate the relationship between the victim and the assailant.

12. Police recruits and veteran officers should receive more extensive formal training at the Ontario Police College on the nature and extent of wife battering. In-service programs should also be expanded. As a result of this training, officers should have an understanding of the needs of the victim and the characteristics of the bat-

terer. They should be able to give victims accurate information on the social and legal services that are available in the community, including any emergency shelter program. Officers need better education on the civil and criminal remedies that may be pursued in domestic violence cases.

13. The Ontario Police College manual entitled "Family Crisis Intervention" must be revised immediately to eliminate any categorizaton for incidents of wife assault as part of an officer's "non-criminal order maintenance duties". The manual must instruct officers to lay assault charges in wife battering cases when they have reasonable and probable grounds to believe an assault has occurred. Furthermore, it must point out that charges can be laid even though an officer has not seen the assault. It is essential that the manual sensitize officers to the need to intervene in domestic violence cases. The revision of the manual should be preceded by consultations between the Ministry of the Solicitor General and the London Coordinating Committee on Family Violence.

AMO Comment

AMO endorses Recommendations 9-13 and believes that the recommendations would help resolve some of the problems identified by the Standing Committee on Social Development with regard to the police involvement in domestic disputes.

IV The Judicial System

Justices of the peace, Crown Attorneys, and judges all play key roles in the judicial system's response to wife battering, according to the report of the Standing Committee.

Justice of the Peace (JP)

A victim who decides to charge her partner with assault must lay a charge before a JP. Some JPs refuse to accept the charge. This is part of the reluctance in the criminal justice system to treat wife assault as a crime.

Crown Attorney

Usually the victim does not have a lawyer representing her in court, apart from the Crown Attorney. Procedures are such that in most cases, the Crown spends only a few minutes with the victim prior to trial. This lack of consultation may result in a lack of understanding by complainants of courtroom procedures and the sentencing process.

Family Court v Criminal Court

Domestic-related criminal charges may be processed through either the Provincial Court (Family Division) or the Provincial Court (Criminal Division). These charges are, however, generally processed through the Provincial Court (Family Division) as the police advise victims to proceed in this court and justices of the peace attached to the Criminal Court frequently refer the complainant to the Family Court.

Those in favour of the Family Court route point to the availability of auxiliary support services, including counselling and conciliation services. It is also felt that this court will recognize the uniqueness of the victim-offender relationship. For example, most abused women are emotionally and legally attached to their assailants, and they may still be living together. In addition, the Criminal Court has no jurisdiction over a woman's claim for shelter or financial support, and it may be desirable to keep all the proceedings relating to the same family in one court.

The disadvantage of using the Family Court to prosecute a domestic violence case is that the use of a non-criminal court de-emphasizes the criminality of wife assault. The relatively informal atmosphere of the Family Court and the presence of counselling and conciliation services reinforces the notion that wife battering is a family problem, rather than a crime. Another problem is that Family Courts do not have full-time Crown Attorneys and therefore, the prosecution of the assault charge is left to the victim's lawyer, if any, or the victim herself. Finally, some Family Courts do not sit daily, and this may result in delays for the complainant.

The Standing Committee for Social Development did not take a position on which is the preferred court for prosecuting assault charges but concluded that in any event, the criminality of the assault must be emphasized.

Family Court and Civil Orders

On January 26, 1982, a decision of the Supreme Court of Canada called into question the power of any provincially-appointed family court judge to issue civil orders (1) granting exclusive possession of the matrimonial home to the battered spouse, or (2) restraining the batterer from harassing his wife. If county or superior court judges have the sole right to issue these orders, victims of wife assault seeking these orders must go through a longer and more costly court procedure than the procedure of the Family Court.

Sentencing

Sentencing practices reflect the idea that domestic assault is the sign of a troubled marriage rather than a public crime. Judges distinguish between family violence and violence between strangers. Discharges are frequently granted instead of imprisonment or a fine.

Victim Advocacy

The criminal and civil justice systems can seem unapproachable and incomprehensible to the victim of wife abuse. Victims are most likely unaware of the various legal options such as assault charges, peace bonds, restraining orders, orders for exclusive possession of the matrimonial home, and compensation under the Compensation for Victims of Crime Act.

Recommendations from the Standing Committee on Social Development:

14. The Ministry of the Attorney General should establish programs for justices of the peace to instruct them about the problem of wife battering, particularly the criminality of the assault.

15. The Ministry of the Attorney General should ensure that Crown Attorneys have the assistance necessary to allow them to consult personally with the victim within a reasonable time after the charges are laid and not solely on the day of the trial. The victim's evidence against the accused and courtroom procedures should be reviewed.

16. The Ministry of the Attorney General should investigate Provincial Court procedures to determine if domestic assault charges should be prosecuted in Criminal Court

instead of Family Court. Among other issues, the investigation should look at the problems of delay in the courts and the unavailability of Crown Attorneys.

17. The Ministry of the Attorney General should review the Unified Famly Court system and determine the desirability of extending the system outside the Region of Hamilton-Wentworth. The review should consider if the Unified Family Court provides a speedy and inexpensive means of obtaining orders under the Family Law Reform Act (1) granting exclusive possession of the family home, and (2) restraining a man from harming his wife.

18. A federal-provincial conference should be convened to consider the subject of wife battering, particularly the consequences of the Supreme Court of Canada decision, Reference re Section 6 of the Family Relations Act. Civil orders protecting the victim under the Family Law Reform Act should be obtainable quickly and inexpensively. (The convening of a federal-provincial conference and the issuance of civil orders are also the subjects of recommendations 39 and 40).

19. Probation orders, with specific conditions protecting the victim and requiring treatment for the batterer, are an appropriate sentence in some cases of wife assault. The conditions should be rigidly enforced by the police. The Committee would have preferred to have more data on the sentencing issue. Further research is needed to compare the effect on family violence of different court dispositions: absolute discharge; conditional discharge; probation; fine; and jail.

20. The Ministry of Correctional Services should fund the operation and evaluation of group counselling programs for batterers.

21. The federal Department of National Health and Welfare and Department of Justice and the provincial Ministry of the Attorney General should fund the operation and evaluation of victim advocacy clinics. Among other duties, the advocate would inform the complainant about her legal options and possible court outcomes; communicate with the police

and the Crown to ensure that the case was properly prepared; and accompany the victim to court and arrange day care for her children, if necessary, while their mother appeared in court.

AMO Comment

AMO endorses Recommendations 14-21 and believes that the recommendations would help resolve the problems identified by the Standing Committee on Social Development regarding the judicial system as it relates to wife battering. With respect to Recommendation 20, however, AMO believes that counselling for the batterer should not be restricted to group counselling. In addition, counselling should be available to batterers at all times, and not just when they are going or have gone through, the court process.

V Transition Houses

Need for Shelter

In order to avoid further assaults, it may be necessary for the victim to leave her home, her belongings, and sometimes her children. Although it might be more appropriate for the husband to be removed, legal proceedings take time, and in the interim, the batterer is free to remain in the house. A transition house can meet the victim's immediate need for safety. For victims who are financially dependent on their husbands, the shelter provides an opportunity to apply for some kind of public assistance, if necessary.

Description of Services

As of July, 1982, there were 35 transition houses in Ontario. During 1981, the houses accommodated 4,422 women and 5,910 children. There are 463 beds in the hostels which specifically serve abused women and their children. According to a survey of 21 of these hostels by the Ministry of Community and Social Services in September and October, 1981, there are between 6 and 25 beds per hostel, and only four hostels had more than 20 beds. Every hostel surveyed by the Ministry reported that it offered services beyond shelter and meals. Guidance and counselling were the services most often named. However, the houses may also provide legal and medical referrals, employment counselling, and child care programs.

Children

Children are generally confused when they arrive at the shelter with their mother. They are separated from their familiar surroundings, their toys, and their neighbourhood friends. In most cases they have witnessed assaults or threats against their mother. Many children either "act out" in that they break toys and strike out at others, or they internalize their feelings.

Funding and Standards: Description

Transition houses are currently funded as "hostels" under the General Welfare Assistance Act. The legislation is permissive, not mandatory. A municipality has the discretion to purchase room and board services from a shelter, but is required to provide general welfare assistance to the abused woman if she is needy. The municipality pays a per diem to the hostel for each occupied bed. The municipality will then be reimbursed by the Ministry of Community and Social Services for 80 per cent of its payments up to a per diem ceiling of $20. Under the Canada Assistance Plan, the Federal Government also contributes to the costs. Thus the Federal Government pays 50 per cent, the Province pays 30 per cent and the municipality pays 20 per cent (unless per diems exceed $20 in which case the municipality pays the extra).

With respect to purchase of service contracts between municipalities and transition houses, the per diems vary across the province, and range from $8.36 to $23.00 in Toronto. The Ministry's survey found that 90 per cent of the hostels were receiving per diems below the provincial ceiling and that approximately one-quarter of the hostels' costs exceeded the per diems paid by municipalities. Thus hostels must engage in private fund raising in order to meet their expenses.

The following represent an explanation of why the level of per diem funding is inadequate:

a) Under the general welfare regulations, funding is intended to subsidize room and board operating costs only. The houses, however, have additional costs, especially for counselling services.

b) Staff requirements are heavy because the shelter is open seven days a week for 24 hours a day. This necessitates three work shifts.

c) Funding is dependent on the number of women deemed eligible for general welfare assistance who stay in the hostel for any one time. This funding formula does not take into account unexpected events which may cause a house to close down temporarily. The funding would be cut, although the operating costs would not decrease significantly.

d) Most purchase-of-service agreements between the municipalities and hostels stipulate a maximum length of stay for a woman and her children. Unless the contract permits an extension, no further per diem subsidy will be paid to the house.

e) No per diem funding will be available to a hostel for women from another municipality if the municipality has refused to purchase services for nonresidents. Where a woman from another municipality stays in such a hostel, the hostel must attempt to collect from the municipality where the woman resided - even if no contract exists with the hostel and that municipality.

In terms of establishing a transition house, the General Welfare Assistance Act does not provide capital funding for hostels. Thus groups wishing to establish a transition house must look elsewhere to finance the construction or acquisition of a building. Some assistance may be available through the Canada Mortgage and Housing Corporation (CMHC) under the Federal Government's non-profit housing program. This program can reduce the effective mortgage interest rate to two per cent. The Ontario Housing Corporation (OHC) does not designate any transition housing for victims of domestic violence.

With respect to permanent housing for battered women who leave a shelter, such housing is very limited, and the current per diem formula does not address this problem. In addition, the OHC's point-rating system for admission to its rental housing gives no preference to victims of wife assault and OHC's policy on transferring tenants to other units does not consider domestic violence as grounds for a transfer.

Funding and Standards: Options

The Standing Committee on Social Development concluded that the General Welfare Assistance Act does not adequately provide for funding and standards of transition houses for battered women. Three options considered by the Standing Committee include:

1) Modifications to the General Welfare Assistance Act;

2) The financing and regulation of the transition houses under the Charitable Institutions Act; and

3) The passage of new legislation focusing exclusively on the prevention of domestic violence and the treatment of its victims, including the establishment and operation of transition houses.

1) General Welfare Assistance Act - Amendments to the regulations could recognize two different types of hostel programs:

a) a domiciliary hostel program which provides temporary shelter and food to transients, and;

b) a transition house program which provides temporary shelter and food in crisis care situations to individuals who require support services.

This proposal contemplates that funding for the transition house program would include a per diem for room and board, with purchase-of-service agreements between municipalities and hostels for the support services. Municipalities would be reimbursed by the Province, possibly at a rate greater than 80 per cent. There could be a requirement that municipalities purchase hostel services and the per diem ceiling for cost-sharing between the Province and municipalities could be increased beyond the present rate of $20.

An advantage of this approach is the municipal role and input in the operation of hostels. On the other hand, this approach does not allow for capital funding, and the disbursement of funds is based on eligibility for welfare. Another disadvantage perceived by the Standing Committee is that welfare legislation does not prescribe uniform purchase-of-service contracts, per diems, maximum lengths of stay, payments for nonresidents and building standards.

2) Charitable Institution Act - This option proposes that regulations under this Act would categorize transition houses as "charitable institutions for miscellaneous purposes". The Province pays the institutions 80 per cent of care and maintenance costs for each

resident. The regulations prescribe detailed safety standards and inspections are required for the building and accommodation, the sanitary and eating facilities, the dietary standards, the recreational, rehabilitative and hobbycraft facilities and equipment, the fire equipment, and the fire precautions. The qualifications, powers and duties of the staff are also regulated.

This approach would still base funding on occupancy rates. Municipal input into the problem of wife battering would be reduced.

3) New Legislation - Several American states have passed legislation specifically dealing with the issue of domestic violence. Legislation could create a domestic violence prevention and treatment board within the Ministry of Community and Social Services. A domestic violence prevention and treatment fund could also be established and funds could be used to award grants and contracts to establish or maintain shelters, develop and operate training programs for persons dealing with domestic violence, and develop and implement programs for the prevention of domestic violence and the treatment of its victims.

The advantage of this approach is that new legislation would be tailored to resolving specific problems relating to funding and standards for the establishment and operation of transition houses.

Recommendations from the Standing Committee on Social Development:

22. The Ministry of Community and Social Services should introduce without delay a bill devoted exclusively to the issue of wife battering. In particular, the bill should ensure that the capital and operating costs of transition houses for battered women and their children, including the costs of support services, are adequately funded. Standards for the houses should be prescribed.

Recommendations 23-25 apply in the interim period until the government bill cited above has been passed. These recommendations should be implemented immediately.

23. The Ministry of Community and Social Services should fund shelter services beyond room and board on a block funding basis.

24. The Ministry of Community and Social Services should increase the per diem ceiling of $20. The increase should be preceded by consultations between the Ministry and the Ontario Association of Interval and Transition Houses.

25. Per diem payments from municipalities to transition houses and reimbursement by the Ministry of Community and Social Services should be based on the regular, as opposed to the actual, occupancy rates of the houses.

26. The Ontario Housing Corporation should revise its point-rating system for admission to its rental housing units in order to give preference to victims of wife assault.

27. The Ontario Housing Corporation's policy on transferring tenants to other rental housing units should be revised to include wife assault as grounds for a transfer.

To federal government:

28. The Canada Mortgage and Housing Corporation should be encouraged to set aside additional subsidized units for use as housing for battered women and their children.

AMO Comment

AMO endorses Recommendation 22 regarding the introduction of new legislation but points out that there must be an opportunity for public comment on this legislation. AMO would also like to point out that a degree of discretion should remain with the municipality with respect to transition houses as municipalities are able to assess the particular needs of their communities. In addition, new legislation should recognize the limited financial resources of municipalities and funding arrangements should not increase the burden on the municipal tax base. If the legislation will impact financially on municipalities, AMO requests an opportunity for input. AMO endorses Recommendations 23-28 in the interim but adds that municipalities should be included in discussions between the Ministry and the Ontario Association of Interval and Transition Houses regarding the per diems. Follow-up services and permanent housing must be made available to battered women who leave a shelter in order to stop the cycle of violence from repeating itself.

VI Health Care and Social Service Professionals

Attitudes

The Standing Committee states that medical, mental health, and social service professionals have traditionally treated wife assault as a private matter. They have generally had no formal training on family violence and as a result they have a limited awareness of the issue and a tendency to avoid it. Wives are often blamed for causing the violence. Counsellors tend to focus on how the spouses should get along in the marital relationship, and not on the protection of the victim.

Mandatory Reporting

The Standing Committee considered three options regarding the reporting of wife abuse but was unable to reach a consensus on this issue.

1) Mandatory reporting from the professional to the police. This could lead to earlier police intervention and could reinforce the idea that wife assault is a crime against society.

2) Mandatory reporting from the professional to the Ministry of Community and Social Services. Suspected incidents of wife assault would be recorded on a register. This register would have data-collection value and could assist in developing measures to help the family end the assaults within the family.

3) Concentrate on changing the attitudes of professionals dealing with battered wives rather than instituting mandatory reporting. A system of mandatory reporting could deter some women from visiting their doctors.

Coordinating Committees on Family Violence

The purpose of coordinating Committees on Family Violence would be to foster cooperation among the various community systems such as criminal justice, medical, mental health or social services. Discussion among these service systems could increase awareness of wife assault and encourage a more effective response. There is currently a co-ordinating committee on family violence in London. The Committee discusses wife assault issues and collects research on the extent of the problem in the community.

Recommendations from the Standing Committee on Social Development:

29. **Professional faculties, governing bodies, and associations should ensure that their students and members have an understanding of the problem of wife battering. The bodies and associations affected by this recommendation include, among others, the College of Physicians and Surgeons of Ontario, the Ontario Medical Association, the College of Nurses of Ontario, the Ontario Nurses' Association, the Canadian Psychiatric Society of Upper Canada, the Canadian Bar Association (Ontario Branch), and the Ontario Association of Professional Social Workers. Doctors, nurses, psychiatrists, psychologists, lawyers, counsellors, social workers, and clergy members, should be aware that wife assault is unacceptable criminal behaviour. Their training should instruct them to be suspicious of certain symptoms and encourage them to ask if the symptoms are the result of battering. If a woman has been assaulted, she should be informed of the specialized services which can help her.**

30. **Municipalities should undertake the formation of coordinating committees on family violence with members representing the local criminal justice, medical, mental health, and social service systems. The committees should discuss ways of preventing family violence and promote an integrated community response to the problem.**

AMO Comment

AMO endorses Recommendations 29 and 30. These should assist in the treatment and prevention of wife assault.

VII Education

Public Education

The Standing Committee on Social Development heard a number of times that myths about wife battering pervade our society. There are myths regarding who does it and misinformation of whether it is a criminal offence. Wife assault is often perceived as permissible and "has-to-be expected" behaviour by a man who is angry.

The Standing Committee proposed that public education should let the public know about the extent of wife assault and should enlist public support in resolving the problem. The public should know that wife assault is a crime against society. Batterers should know their behaviour is illegal and will no longer be tolerated. Assaulted women should know their rights and where they can get help.

Schools

Schools have a role to play in terms of educating young people about the crime of wife battering and in terms of "socialization". Students could be taught that the only justification for violence is self-defence. Teachers should be aware that children exhibiting certain behaviour may come from a violent home and teachers should be aware of the needs of such children.

Recommendations from the Standing Committee on Social Development:

31. The Ministry of Community and Social Services should provide funding to community groups for the purpose of producing and distributing multilingual material on the nature and extent of the problem of wife battering. Posters and brochures should list services available to battered women and state clearly that wife battering is a criminal offence. The material should be distributed to hospitals, doctors' offices, social service agencies, ethnic community centres, Family and Criminal Courts, libraries, supermarkets, and other suitable public areas. The posters could also be displayed in or on public transit vehicles.

32. The Ministry of Community and Social Services should develop a series of multilingual television and radio messages in cooperation with ethnic communities to inform the public about the criminality of wife battering and the specialized services offering help to battered women.

33. Faculties of education and teachers' associations should train their students and members to be aware of the problem of wife battering. Teachers should be familiar with the special needs of children from violent homes.

34. The Ministry of Education should develop guidelines for a mandatory Life Skills course to include the following topics: the roles of men and women in society and in the family, in particular; families in Ontario today; parenting skills; constructive problem-solving; conflict management; stress reduction techniques; and anger control.

35. The Ministry of Education should encourage school boards to incorporate the topics of husband-wife violence, sex roles, and violence, in existing courses, where appropriate, such as Family Studies and Physical and Health Education.

The following recommendations apply to schools serving children from shelters:

36. The Ministry of Education should request that local school boards establish shelter liaison committees. A committee would consist of (a) members of the administrative and teaching staff of the school; (b) members of the shelter staff; and (c) shelter residents who have children at the school in question. The committees would serve as a forum for an ongoing and open communication among school staff, shelter staff, and shelter residents.

37. A teacher should be assigned responsibility on either a full or a part-time basis to receive and supervise the children from the shelter who may have special needs.

38. All staff in the school should receive in-service training on the needs of children from violent homes.

AMO Comment

AMO endorses Recommendations 31-38 and believes that public education is an important element in the prevention of wife assault.

VIII Federal-Provincial Conference

The Standing Committee on Social Development has supported the recommendation from the House of Commons' Standing Committee on Health, Welfare and Social Affairs that a federal-provincial conference

be held on the subject of wife battering. The Standing Committee, however, does not agree that the conference should be limited to the enforcement and administration of criminal law.

Recommendations from the Standing Committee on Social Development:

39. A federal-provincial conference should be convened to consider the subject of wife battering. (This recommendation was made by the Committee earlier in the section, "The Judicial System". See Recommendation 18). The agenda should contain the items listed below. In order to emphasize their importance, the Committee has classified each item as a separate recommendation.

Agenda:

40. the implications of the Supreme Court of Canada decision, Reference re Section 6 of the Family Relations Act. Orders affecting the possession of the family home and restraining a man from harming his wife should be obtainable through speedy and inexpensive court procedures;

41. a proposal that the Criminal Code be amended to give police the power to impose conditions when they release a batterer on an appearance notice, a promise to appear, or a recognizance;

42. a proposal that all current criminal orders which prevent a man from seeing or harassing his wife be registered on a province-wide and country-wide computer system. Such orders would include recognizances to keep the peace, bail conditions and probation orders;

43. a proposal that a breach of these orders that results in violence or is accompanied by a threat of violence be followed by arrest, or some other measure which protects the victim;

44. a proposal with respect to the development of uniform sentences in wife battering cases;

45. a proposal with respect to the training of police on the problem of wife battering. At a minimum, members of the R.C.M.P. who act as provincial or territorial police and all

provincial and municipal police officers should receive the same formal training;

46. an evaluation of the Immigration Act, the regulations thereunder, and the practices of Employment and Immigration Canada to ensure that a sponsored immigrant woman cannot be deported if (1) she has left her husband-sponsor because of his battering and (2) the separation from her sponsor has led to the severing of the sponsorship;

47. a proposal that the federal and provincial governments engage in joint research into the causes of and means of preventing wife battering and that they conduct joint public education programs on the issue.

AMO Comment

AMO endorses Recommendation 39 and the proposed agenda items but believes that because municipalities are affected by the problems created by wife battering, municipalities should also be invited to participate in the conference.

C. CONCLUSION

In conclusion, AMO endorses the report on wife battering from the Standing Committee on Social Development. The report is thorough and the recommendations provide a useful starting-point from which all levels of government can begin to address the problem of wife battering. AMO looks forward to reviewing future reports from the Standing Committee on Social Development on family violence. In addition, AMO suggests that the Standing Committee look at the problem of husband abuse, and the needs of men in such circumstances.

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